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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,477	07/18/2002	Andrew E. Fano	3383600003	9683

30498 7590 07/16/2004

VEDDER PRICE/ACCENTURE
222 NORTH LASALLE STREET
CHICAGO, IL 60601

EXAMINER

NGUYEN, CINDY

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/064,477	Applicant(s) FANO, ANDREW E.	
	Examiner Cindy Nguyen	Art Unit 2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-31 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05/06/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in response to application filed on 07/18/02 in which claims 1-31 are presented for examination.

Information Disclosure Statement

The information disclosure statement filed on May 06, 2004 is in compliance with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. Because it has been placed in the application file, and the information referred to therein has been considered as to the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 8-13,15-17, 19-22 and 25-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Schrader et al. (U.S 2002/0166123 (Schrader)).

Regarding claim 8, Schrader discloses: A method for media indexing comprising: storing index information relating to a subject (page 14, paragraph 0127, Schrader); and transmitting the index information relating to the subject to a media capture device (page 15, paragraph 0138, Schrader).

Regarding claim 9, all the limitations of this claim have been noted in the rejection of claim 8. In addition, Schrader discloses: prior to transmitting the index information to the

media capture device, receiving an index information request, which is generated by the media capture device (page 10, paragraph 0096, Schrader).

Regarding claim 10, all the limitations of this claim have been noted in the rejection of claim 8. In addition, Schrader discloses: wherein the media capture device receives the index information and associates the index information with a media file (page 14, paragraph 0125, Schrader).

Regarding claim 11, all the limitations of this claim have been noted in the rejection of claim 8. In addition, Schrader discloses: wherein the index information is wirelessly transmitted to the media capture device (page 9, paragraph 0086, Schrader).

Regarding claim 12, all the limitations of this claim have been noted in the rejection of claim 8. In addition, Schrader discloses: wherein the index information comprises at least one of the following: a time indicator, a landmark indicator, an event indicator, a global positioning system indicator, commercial information, a universal resource locator and a proximity indicator (page 9, paragraph 0094, Schrader).

Regarding claim 13, Schrader discloses: A method for media indexing comprising: capturing a subject in a media file with a media capture device (page 14, paragraph 0125, Schrader); providing index information from a media indexing beacon (index sport broadcast) to the media capture device, wherein the index information relates to the subject in the media file (page 14, paragraph 0125, Schrader); and associating the index information with the media file (page 14, paragraph 0125-0126, Schrader).

Regarding claim 15, all the limitations of this claim have been noted in the rejection of claim 13. In addition, Schrader discloses: further comprising: providing the media file having

the index information associated therewith to a media file storage device (page 14, paragraph 0127, Schrader).

Regarding claim 16, all the limitations of this claim have been noted in the rejection of claim 15. In addition, Schrader discloses: wherein the media file storage device comprises a plurality of stored media files having index information associated therewith, the method further comprising: searching the plurality of stored media files using the index information (page 14, paragraph 0128, Schrader).

Regarding claim 17, all the limitations of this claim have been noted in the rejection of claim 13. In addition, Schrader discloses: wherein the index information comprises at least one of the following: a time indicator, a landmark indicator, an event indicator, a global positioning system indicator, commercial information, a universal resource locator and a proximity indicator (page 9, paragraph 0094, Schrader).

Regarding claim 19, Schrader discloses: A media capture and indexing system comprising: a media indexing beacon which generates a beacon signal containing index information relating to a subject (page 14, paragraph 0125 and col. 17, paragraph 0148, Schrader); and a media capture device that captures the subject in a media file and receives the beacon signal from the beacon and associates the index information with the media file (page 14, paragraph 0125, Schrader).

Regarding claim 20, all the limitations of this claim have been noted in the rejection of claim 19. In addition, Schrader discloses: wherein the media capture device captures a plurality of media files each having index information associated therewith, the system further comprising: a media file storage device that receives the plurality of media files, wherein the

plurality of media files may be indexed based on the index information (page 14, paragraph 0127, Schrader).

Regarding claim 21, all the limitations of this claim have been noted in the rejection of claim 19. In addition, Schrader discloses: wherein the media indexing beacon further comprises: at least one index buffer comprising the index information (page 15, paragraph 0138, Schrader); and a transmitter (206, fig. 2) operably coupled to the at least one index buffer, wherein the transmitter provides the index information to the media capture device (page 15, paragraph 0138, Schrader).

Regarding claim 22, all the limitations of this claim have been noted in the rejection of claim 21. In addition, Schrader discloses: wherein the media indexing beacon further comprises a receiver (220, fig. 2) that receives an index information request from the media capture device, wherein the transmitter transmits the index information in response to the index information request (page 15, paragraph 0138, Schrader).

Regarding claim 25, Schrader discloses: An apparatus for media indexing comprising: means for storing index information relating to a subject means for transmitting a beacon signal wherein the beacon signal comprises index information relating to the subject (page 14, paragraph 0125 and page 17, 0148, Schrader).

Regarding claim 26, all the limitations of this claim have been noted in the rejection of claim 25. In addition, Schrader discloses: further comprising a media capture device that captures the subject in a media file, wherein the media capture device receives the index information from the beacon signal and associates the index information with the media file (page 14, paragraph 0125, Schrader).

Regarding claim 27, Schrader discloses: An apparatus for media indexing comprising: means for capturing a subject in a media file (page 14, paragraph 0125, Schrader); means for receiving index information related to the subject (page 14, paragraph 0126, Schrader); and means for associating the index information with the media file (page 14, paragraph 0127, Schrader).

Regarding claim 28, all the limitations of this claim have been noted in the rejection of claim 27. In addition, Schrader discloses: further comprising: a media indexing beacon (index sport broadcast) that provides a media indexing beacon containing the index information to the means for receiving (page 14, paragraph 0125-0127, Schrader).

Regarding claim 29, Schrader discloses: A computer readable medium having stored thereon: a media file of a subject (page 14, paragraph 0126, Schrader); and index information, associated with the media file, wherein the media file and index information are stored on the medium at substantially the same time (page 14, paragraph 0125-0127, Schrader).

Regarding claim 30, all the limitations of this claim have been noted in the rejection of claim 29. In addition, Schrader discloses: wherein the media file is captured by a media capture device (page 14, paragraph 0125-0127, Schrader).

Regarding claim 31, all the limitations of this claim have been noted in the rejection of claim 29. In addition, Schrader discloses: wherein the index information is transmitted by a media indexing beacon (page 14, paragraph 0138, Schrader).

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Schrader et al. (U.S 2002/0166123 (Schrader) in view of Bellinger et al. (U.S 6023705) (Bellinger)).

Regarding claim 1, Schrader discloses: A method for media indexing comprising: capturing a subject in a media file (page 14, paragraph 0125, Schrader); and associating the index information with the media file (page 14, paragraph 0126, Schrader). However, Schrader didn't disclose: automatically receiving index information from an external source related to the subject. On the other hand, Bellinger discloses: automatically receiving index information from an external source related to the subject (col. 32, lines 58-65, Bellinger). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the steps for automatically receiving index information from an external source related to the subject in the system of Schrader as taught by Bellinger. The motivation being to enable the application enhanced by allowing automatic loading a single CD volume index or cumulative CD volume indexes spanning a multiple volume set, the application determine if an index being requested for loading is from a single volume CD (col. 32, lines 58-65, Bellinger).

Regarding claim 2, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Schrader/Bellinger discloses: wherein the step of associating the index information with the media file further comprises: encoding the index information into the media file (col. 27, lines 10-15, Bellinger).

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Regarding claim 3, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Schrader/Bellinger discloses: further comprising: providing the media file and the index information to a media file storage device which comprises a plurality of stored media files having index information associated therewith (page 14, paragraph 0127, Schrader); and storing the media file along with the plurality of stored media files (page 14, paragraph 0127, Schrader).

Regarding claim 4, all the limitations of this claim have been noted in the rejection of claim 3. In addition, Schrader/Bellinger discloses: wherein the media file storage device stores the media file and index information, the method further comprising at least one of the following: searching the plurality of stored media files using the index information and enabling a commercial system with the plurality of stored media files using the index information (page 7, paragraph 0073, Schrader).

Regarding claim 5, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Schrader/Bellinger discloses: wherein the index information, prior to being associated with the media file, is transmitted from a media indexing beacon (page 7, paragraph 0075, Schrader).

Regarding claim 6, all the limitations of this claim have been noted in the rejection of claim 5. In addition, Schrader/Bellinger discloses: wherein the step of receiving the index information is in response to an index information request (page 14, paragraph 0125, Schrader).

Regarding claim 7, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Schrader/Bellinger discloses: wherein the index information comprises at least one of the following: a time indicator, a landmark indicator, an event indicator, a global

positioning system indicator, commercial information, a universal resource locator, and a proximity indicator (page 7, paragraph 0073, Schrader).

Regarding claim 14, all the limitations of this claim have been noted in the rejection of claim 13. In addition, Schrader/Bellinger discloses: prior to providing index information from the media indexing beacon, further comprising detecting a user input to capture the media file (col. 32, lines 8-54, Bellinger); and providing an index information request to the media indexing beacon (page 14, paragraph 0126, Schrader).

Regarding claim 18, all the limitations of this claim have been noted in the rejection of claim 17. In addition, Schrader/Bellinger discloses: wherein the index information enables a media file to be utilized by at least one commercial system, wherein the at least one commercial system comprises at least one of the following: a workflow system, a procurement system, a retail sales system, and a safety inspection/auditing system (col. 38, lines 9-19, Bellinger).

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schrader et al. (U.S. 2002/0166123 (Schrader) in view of Jain et al. (U.S. 6144375) (Jain).

Regarding claim 23, Schrader discloses: The media capture and indexing system of claim 19 wherein the media capture device further comprises: a processor operably coupled to the media input module to receive the media file (page 13, paragraph 0120, Schrader); and an index information receiver (220, fig. 2, Schrader) operably coupled to the processor, wherein the index information receiver receives the beacon signal and provides the index information to the processor, wherein the processor associates the index information with the media file (page 15, paragraph 0138, Schrader). However, Schrader didn't disclose: a media input module which

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generates the media file in response to a media file generation request. On the other hand Jain discloses: a media input module which generates the media file in response to a media file generation request (col. 18, lines 53 to col. 19, lines 18, Jain). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include a media input module which generates the media file in response to a media file generation request in the system of Schrader as taught by Jain. The motivation being to enable the system provide the capture/filter process includes a personality module that is specific to a multi media program to be processed (col. 18, lines 53 to col. 19, lines 18, Jain).

Regarding claim 24, all the limitations of this claim have been noted in the rejection of claim 23. In addition, Schrader/Jain discloses: wherein the index information receiver further contains a transmitter that transmits an index information request to the media indexing beacon (page 15, paragraph 0138, Schrader).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Cindy Nguyen
July 14, 2004



WAYNE AMSBURY
PRIMARY PATENT EXAMINER